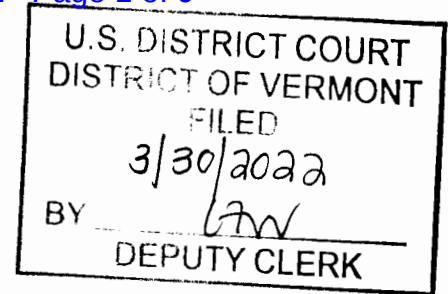


UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT



CHERYL ROUSSEAU

Plaintiff,

v.

JOHN BOYD COATES III, M.D.,

Defendant.

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Case No. 2:18-cv-205

**VERDICT FORM**

Taking into account the facts of this case and the specific legal instructions given for each claim, answer each question set forth below.

**I. Failure to Obtain Informed Consent Claim**

1. Has Ms. Rousseau proven by a preponderance of the evidence that Dr. Coates failed to disclose that he planned to use his own genetic material prior to performing the artificial insemination procedure?

Answer: ✓ Yes           No

If you answered "No" to Question 1, go on to Part II and answer no further questions in Part I.

2. Do you find that a reasonable physician under similar circumstances would have disclosed his intent to use his own genetic material?

Answer: ✓ Yes      No

If you answered "No" to Question 2, go on to Part II and answer no further questions in Part I.

3. Do you find that Ms. Rousseau would not have agreed to the procedure had she known of such plan?

Answer: ✓ Yes      No

If you answered "No" to Question 3, go on to Part II and answer no further questions in Part I.

4. Do you find that the procedure caused Ms. Rousseau harm?

Answer: ✓ Yes      No

On these questions (1-4), Ms. Rousseau has the burden of proof by a preponderance of the evidence.

**II. Fraud Claim**

1. Do you find by clear and convincing evidence that Dr. Coates intentionally misrepresented a material fact?

Answer: ✓ Yes          No

If you answered "No" to Question 1, go on to Part III and answer no further questions in Part II.

2. Do you find that the fact that Dr. Coates made was false when he made it and that he knew that fact was false?

Answer: ✓ Yes          No

If you answered "No" to Question 2, go on to Part III and answer no further questions in Part II.

3. Do you find that Ms. Rousseau did not know that Dr. Coates' representation was false?

Answer: ✓ Yes          No

If you answered "No" to Question 3, go on to Part III and answer no further questions in Part II.

4. Do you find that Ms. Rousseau relied on Dr. Coates misrepresentation?

Answer: ☒ Yes ☐ No

If you answered "No" to Question 4, go on to Part III and answer no further questions in Part II.

5. Do you find that Ms. Rousseau was harmed by her reliance on this misrepresentation?

Answer: ☒ Yes ☐ No

On these questions (1-5), Ms. Rousseau has the burden of proof by clear and convincing evidence.

**III. Battery Claim**

1. Do you find by a preponderance of the evidence that Dr. Coates intended to cause a harmful or offensive contact with Ms. Rousseau's person?

Answer: ✓ Yes           No

If you answered "No" to Question 1, go on to Part IV and do not answer any further questions in Part III.

2. Do you find that the offensive contact actually occurred?

Answer: ✓ Yes           No

On these questions (1-2), Ms. Rousseau has the burden of proof by a preponderance of the evidence.

**IV. Breach of Contract Claim**

1. Has Ms. Rousseau proven by a preponderance of the evidence that a contract existed between Dr. Coates and her?

Answer: ✓ Yes           No

If you answered "No" to Question 1, go on to Part V and answer no further questions in Part IV.

2. Has Ms. Rousseau proven the terms of that contract?

Answer: ✓ Yes           No

If you answered "No" to Question 2, go on to Part V and answer no further questions in Part IV.

3. Has Ms. Rousseau proven that Dr. Coates breached a term of that contract?

Answer: ✓ Yes           No

If you answered "No" to Question 3, go on to Part V and answer no further questions in Part IV.

4. Has Ms. Rousseau proven that damages resulted from that breach?

Answer: ✓ Yes           No

If you answered "No" to Question 4, go on to Part V and answer no further questions in Part IV.

5. Has Ms. Rousseau proven the amount of those damages?

Answer: ✓ Yes           No

On these questions (1-5), Ms. Rousseau has the burden of proof by a preponderance of the evidence.

**V. Compensatory Damages**

1. If you found for Plaintiff Cheryl Rousseau on any of the claims above, please state the amount of money, if any, you find based on the evidence fairly compensates Ms. Rousseau for her injury.

**Amount (if any):** \$250,000.00.



**VI. Punitive Damages**

Fill out this section ONLY if you find for Ms. Rousseau on any of the claims mentioned above.

1. Do you find by a preponderance of the evidence that Ms. Rousseau is entitled to punitive damages for her claims?

Answer: ✓ Yes     No

2. If you answered "Yes" to the above question, please state the amount of punitive damages that should be awarded against Dr. Coates and in favor of Cheryl Rousseau.

Amount (if any): \$5,000,000.00.

Dated, at Burlington, Vermont, this 30 day of March, 2022.

**REDACTED**

Jury Foreperson

We the jury unanimously agree to the above.

**REDACTED**

Jury Foreperson

Dated: 3/30/2022